



Federal Communications Commission
Washington, D.C. 20554

DA 07-1352

March 19, 2007

Richard Ellison
North Dakota Telephone Company
211 2nd St. NW
Devils Lake, ND 58301

Re: File No. SES-REG-20070212-00244

Dear Mr. Ellison:

On February 12, 2007, North Dakota Telephone Company filed the above-captioned application to register a C-Band Receive-Only Earth Station. For reasons discussed below, we dismiss the application as defective, without prejudice to refile.¹

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, that contains internal inconsistencies, or that does not substantially comply with the Commission's rules. North Dakota Telephone Company's application does not comply with the Commission's rules which renders it unacceptable and subject to dismissal. The deficiency is as follows:

In 2004, the Bureau adopted a Declaratory Order explaining all of the Commission's rules regarding electronic filing for Part 25-related submissions. Specifically, the Bureau stated that it would not accept any application filed on Form 312 unless it was filed electronically.² Pursuant to Section 25.131 of the Commission's rules, applications for registration of receive-only earth stations must be filed on Form 312.³ Accordingly, we cannot accept any registration application unless it is filed electronically.

¹ If North Dakota Telephone Company refiles an application identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).

² Amendment of the Commission's Space Station Licensing Rules and Policies, 2000 Biennial Regulatory Review----Streamlining and the Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage of Satellite Network Earth Stations and Space Stations, *Declaratory Order*, IB Docket Nos. 02-34 and 00-248, 19 FCC Rcd 19564, 19565 (para. 3) (Int'l. Bur., 2004). *See also* Section 25.110(b) of the Commission's rules, 47 C.F.R. § 25.110(b).

³ Section 25.131(a) of the Commission's rules, 47 C.F.R. § 25.131(a).

If you choose to refile the application, please file it electronically via our International Bureau Filing System (IBFS). The website is www.fcc.gov/ibfs. If you need any technical assistance with IBFS, please contact the IBFS help desk at 202-418-2222.

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau